

CHAPTER 110

FAMILY SUPPORT, CHILD SUPPORT, AND ESTABLISHMENT OF PARENTAGE

S.F. 500

AN ACT relating to family support programs and provisions including those relating to child support and establishment of paternity.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I UNIFORM INTERSTATE FAMILY SUPPORT ACT

Section 1. NEW SECTION. **252K.100 Title.**

This chapter shall be known and may be cited as the “*Uniform Interstate Family Support Act*”.

Sec. 2. Section 252K.101, Code 2015, is amended to read as follows:

252K.101 Definitions.

In this chapter:

1. “*Child*” means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual’s parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. “*Child support order*” means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

3. “*Convention*” means the convention on the international recovery of child support and other forms of family maintenance, concluded at the Hague on November 23, 2007.

3. 4. “*Duty of support*” means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

5. “*Foreign country*” means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and which meets any of the following conditions:

a. Has been declared under the law of the United States to be a foreign reciprocating country.

b. Has established a reciprocal arrangement for child support with this state as provided in section 252K.308.

c. Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter.

d. In which the convention is in force with respect to the United States.

6. “*Foreign support order*” means a support order of a foreign tribunal.

7. “*Foreign tribunal*” means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the convention.

4. 8. “*Home state*” means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

5. 9. “*Income*” includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

6. 10. “*Income withholding order*” means an order or other legal process directed to an obligor’s employer or other payor of income, as defined by the income withholding law of this state, to withhold support from the income of the obligor.

7. “*Initiating state*” ~~means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or~~

~~procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~

8. 11. "Initiating tribunal" means the authorized tribunal in an initiating of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed or forwarded to another state or foreign country.

12. "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

9. 13. "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage of a child.

10. 14. "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or renders a judgment determining parentage of a child.

11. 15. "Law" includes decisional and statutory law and rules and regulations having the force of law.

12. 16. "Obligee" means any of the following:

a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage of a child has been ~~rendered issued~~.

b. A foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support.

c. An individual seeking a judgment determining parentage of the individual's child.

d. A person that is a creditor in a proceeding under Article 7.

13. 17. "Obligor" means an individual, or the estate of a decedent, to which any of the following applies:

a. Who owes or is alleged to owe a duty of support.

b. Who is alleged but has not been adjudicated to be a parent of a child.

c. Who is liable under a support order.

d. Who is a debtor in a proceeding under Article 7.

18. "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.

19. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

20. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

14. 21. "Register" means to file in a tribunal of this state a support order or judgment determining parentage of a child issued in the appropriate location for the filing of foreign judgments another state or foreign country.

15. 22. "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

16. 23. "Responding state" means a state in which a proceeding petition or comparable pleading for support or to determine parentage of a child is filed or to which a proceeding petition or comparable pleading is forwarded for filing from an initiating another state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act or foreign country.

17. 24. "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

18. 25. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

19. 26. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to under the jurisdiction of the United States. The term includes:

a. ~~An an~~ An Indian nation or tribe.

b. ~~A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under~~

this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

20. 27. “Support enforcement agency” means a public official, government entity, or private agency authorized to seek do any of the following:

- a. ~~Enforcement~~ Seek enforcement of support orders or laws relating to the duty of support.
- b. ~~Establishment~~ Seek establishment or modification of child support.
- c. ~~Determination~~ Request determination of parentage of a child.
- d. ~~Location of~~ Attempt to locate obligors or their assets.
- e. Request determination of the controlling child support order.

21. 28. “Support order” means a judgment, decree, or order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement, and for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney’s fees, and other relief.

22. 29. “Tribunal” means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Sec. 3. Section 252K.102, Code 2015, is amended to read as follows:

252K.102 Tribunals of this state State tribunal and support enforcement agency.

1. The child support recovery unit when the unit establishes or modifies an order, upon ratification by the court, and the court, are the tribunals of this state.

2. The child support recovery unit is the support enforcement agency of this state.

Sec. 4. Section 252K.103, Code 2015, is amended to read as follows:

252K.103 Remedies cumulative.

1. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

2. This chapter does not do either of the following:

a. Provide the exclusive method of establishing or enforcing a support order under the law of this state.

b. Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

Sec. 5. NEW SECTION. 252K.104 Application of chapter to resident of foreign country and foreign support proceeding.

1. A tribunal of this state shall apply Articles 1 through 6 and, as applicable, Article 7, to a support proceeding involving any of the following:

- a. A foreign support order.
- b. A foreign tribunal.
- c. An obligee, obligor, or child residing in a foreign country.

2. A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Articles 1 through 6.

3. Article 7 applies only to a support proceeding under the convention. In such a proceeding, if a provision of Article 7 is inconsistent with Articles 1 through 6, Article 7 controls.

Sec. 6. Section 252K.201, Code 2015, is amended to read as follows:

252K.201 Bases for jurisdiction over nonresident.

1. In a proceeding to establish, or enforce, ~~or modify~~ a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual’s guardian or conservator if any of the following applies:

1. a. The individual is personally served with notice within this state.
2. b. The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

- 3. c. The individual resided with the child in this state.
- 4. d. The individual resided in this state and provided prenatal expenses or support for the child.
- 5. e. The child resides in this state as a result of the acts or directives of the individual.
- 6. f. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.
- 7. g. The individual asserted parentage of a child in the declaration of paternity registry maintained in this state by the Iowa department of public health pursuant to section 144.12A or established paternity by affidavit under section 252A.3A.
- 8. h. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.
- 2. The bases of personal jurisdiction set forth in subsection 1 or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of section 252K.611 are met, or, in the case of a foreign support order, unless the requirements of section 252K.615 are met.

Sec. 7. Section 252K.202, Code 2015, is amended to read as follows:

252K.202 ~~Procedure when exercising~~ Duration of personal jurisdiction over nonresident.

A Personal jurisdiction acquired by a tribunal of this state ~~exercising personal jurisdiction over a nonresident under section 252K.201 may apply section 252K.316 to receive evidence from another in a proceeding under this chapter or other law of this state, and section 252K.318 to obtain discovery through relating to a support order continues as long as a tribunal of another this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided in sections 252K.205, 252K.206, and 252K.211. In all other respects, articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.~~

Sec. 8. Section 252K.203, Code 2015, is amended to read as follows:

252K.203 Initiating and responding tribunal of this state.

Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or foreign country.

Sec. 9. Section 252K.204, Code 2015, is amended to read as follows:

252K.204 Simultaneous proceedings in another state.

1. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if all of the following apply:

a. The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.

b. The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country.

c. If relevant, this state is the home state of the child.

2. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

a. The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

b. The contesting party timely challenges the exercise of jurisdiction in this state.

c. If relevant, the other state or foreign country is the home state of the child.

Sec. 10. Section 252K.205, Code 2015, is amended to read as follows:

252K.205 Continuing, exclusive jurisdiction to modify child support order.

1. A tribunal of this state ~~issuing that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction over a~~ to modify its child support order if the order is controlling and any of the following applies:

~~a. As long as~~ At the time of the filing of a request for modification this state remains is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

~~b. Until all of the parties who are individuals have filed written consents with the tribunal of~~ Even if this state for a is not the residence of the obligor, the individual obligee, or the child for whose benefit the order is issued, the parties consent in a record or in open court that the tribunal of another this state may continue to exercise jurisdiction to modify the its order and assume continuing, exclusive jurisdiction.

2. A tribunal of this state ~~issuing that has issued a child support order consistent with the law of this state may not exercise its continuing, exclusive jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter.~~ any of the following applies:

~~a. All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction.~~

~~b. Its order is not the controlling order.~~

3. If a child support order of this state ~~is modified by a tribunal of another state has issued a child support order pursuant to this chapter the uniform interstate family support Act or a law substantially similar to this chapter, that Act which modifies a child support order of a tribunal of this state loses its,~~ tribunals of this state shall recognize the continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this of the tribunal of the other state, and may only:

~~a. Enforce the order that was modified as to amounts accruing before the modification.~~

~~b. Enforce nonmodifiable aspects of that order.~~

~~c. Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.~~

4. A tribunal of this state ~~shall recognize the that lacks continuing, exclusive jurisdiction of a to modify a child support order may serve as an initiating tribunal of another state which has issued a child support order pursuant to request a tribunal of another state to modify a support order issued in this chapter or a law substantially similar to this chapter that state.~~

5. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

6. A tribunal of this state ~~issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.~~

Sec. 11. Section 252K.206, Code 2015, is amended to read as follows:

252K.206 Enforcement and modification of support order by tribunal having continuing Continuing jurisdiction to enforce child support order.

1. A tribunal of this state ~~that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.~~ any of the following:

~~a. The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the uniform interstate family support Act.~~

~~b. A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.~~

2. A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce ~~or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in~~

~~subsequent proceedings the tribunal may apply section 252K.316 to receive evidence from another state and section 252K.318 to obtain discovery through a tribunal of another state.~~

~~3. A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.~~

Sec. 12. Section 252K.207, Code 2015, is amended to read as follows:

252K.207 Recognition Determination of controlling child support order.

1. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

2. If a proceeding is brought under this chapter, and two or more child support orders have been issued by tribunals of this state, ~~or another state, or a foreign country~~ with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules in determining and by order shall determine which order to recognize for purposes of continuing, exclusive jurisdiction controls and must be recognized:

a. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls ~~and must be so recognized.~~

b. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, ~~an order one of the following shall apply:~~

(1) An order issued by a tribunal in the current home state of the child controls, and must be so recognized, but if

(2) If an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

c. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls ~~and must be so recognized.~~

3. If two or more child support orders have been issued for the same obligor and same child and if the obligor or the individual obligee resides in this state, upon request of a party may request who is an individual or that is a support enforcement agency, a tribunal of this state to having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls and must be so recognized under subsection 2. The request must may be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination filed with a registration for enforcement or registration for modification pursuant to Article 6, or may be filed as a separate proceeding.

4. A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

5. The tribunal that issued the controlling order under subsection 1, 2, or 3 ~~is the tribunal that has continuing, exclusive jurisdiction under~~ to the extent provided in section 252K.205 or 252K.206.

~~5. 6. A tribunal of this state which that determines by order the identity of which is the controlling order under subsection 2, paragraph "a" or "b" or subsection 3, or which that issues a new controlling order under subsection 2, paragraph "c", shall state in that order: the~~

a. The basis upon which the tribunal made its determination.

b. The amount of prospective support, if any.

c. The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided in section 252K.209.

6. ~~7.~~ Within thirty days after issuance of an order determining the identity of which is the controlling order, the party obtaining the order shall file a certified copy of it with in each tribunal that issued or registered an earlier order of child support. A party ~~who obtains or support enforcement agency obtaining the order and that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.~~

8. An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this chapter.

Sec. 13. Section 252K.208, Code 2015, is amended to read as follows:

252K.208 Multiple-child Child support orders for two or more obligees.

In responding to multiple registrations or requests for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

Sec. 14. Section 252K.209, Code 2015, is amended to read as follows:

252K.209 Credit for payments.

Amounts A tribunal of this state shall credit amounts collected and credited for a particular period pursuant to a any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this state, another state, must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state a foreign country.

Sec. 15. **NEW SECTION. 252K.210 Application of chapter to nonresident subject to personal jurisdiction.**

A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of this state relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to section 252K.316, communicate with a tribunal outside this state pursuant to section 252K.317, and obtain discovery through a tribunal outside this state pursuant to section 252K.318. In all other respects, Articles 3 through 6 do not apply, and the tribunal shall apply the procedural and substantive law of this state.

Sec. 16. **NEW SECTION. 252K.211 Continuing, exclusive jurisdiction to modify spousal support order.**

1. A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

2. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

3. A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as any of the following:

a. An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state.

b. A responding tribunal to enforce or modify its own spousal support order.

Sec. 17. Section 252K.301, Code 2015, is amended to read as follows:

252K.301 Proceedings under this chapter.

1. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

2. This chapter provides for the following proceedings:

a. Establishment of an order for spousal support or child support pursuant to article 4.

b. Enforcement of a support order and income withholding order of another state without registration pursuant to article 5.

c. Registration of an order for spousal support or child support of another state for enforcement pursuant to article 6.

d. Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to article 2, part 2.

e. Registration of an order for child support of another state for modification pursuant to article 6.

~~f. Determination of parentage pursuant to article 7.~~

~~g. Assertion of jurisdiction over nonresidents pursuant to article 2, part 1.~~

3. An individual movant or a support enforcement agency may ~~commence~~ initiate a proceeding authorized under this chapter by filing a petition or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent or nonmoving party.

Sec. 18. Section 252K.302, Code 2015, is amended to read as follows:

252K.302 Action Proceeding by minor parent.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Sec. 19. Section 252K.303, Code 2015, is amended to read as follows:

252K.303 Application of law of this state.

Except as otherwise provided by this chapter, a responding tribunal of this state shall do all of the following:

1. Apply the procedural and substantive law, ~~including the rules on choice of law~~, generally applicable to similar proceedings originating in this state, and may exercise all powers and provide all remedies available in those proceedings.

2. Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 20. Section 252K.304, Code 2015, is amended to read as follows:

252K.304 Duties of initiating tribunal.

1. Upon the filing of a petition or comparable pleading authorized by this chapter, an initiating tribunal of this state shall forward ~~three copies of~~ the petition or comparable pleading and its accompanying documents:

a. To the responding tribunal or appropriate support enforcement agency in the responding state.

b. If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

2. ~~If a requested by the responding state has not enacted this law or a law or procedure substantially similar to this chapter, a tribunal, a tribunal of this state may shall~~ issue a certificate or other document and make findings required by the law of the responding state. If the responding state tribunal is in a foreign jurisdiction country, upon request the tribunal may of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rates as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state foreign tribunal.

Sec. 21. Section 252K.305, Code 2015, is amended to read as follows:

252K.305 Duties and powers of responding tribunal.

1. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 252K.301, subsection 3 2, it shall cause the petition or pleading to be filed and notify the movant where and when it was filed.

2. A responding tribunal of this state, to the extent ~~otherwise authorized~~ not prohibited by other law, may do one or more of the following:

a. Issue Establish or enforce a support order, modify a child support order, determine the controlling child support order, or render a judgment to determine parentage of a child.

b. Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

c. Order income withholding.

d. Determine the amount of any arrearages, and specify a method of payment.

e. Enforce orders by civil or criminal contempt, or both.

f. Set aside property for satisfaction of the support order.

g. Place liens and order execution on the obligor's property.

h. Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment.

i. Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants.

j. Order the obligor to seek appropriate employment by specified methods.

k. Award reasonable attorney's fees and other fees and costs.

l. Grant any other available remedy.

3. A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

4. A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

5. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the movant and the respondent and to the initiating tribunal, if any.

6. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Sec. 22. Section 252K.306, Code 2015, is amended to read as follows:

252K.306 Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~it~~ the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal ~~in~~ of this state or another state and notify the movant where and when the pleading was sent.

Sec. 23. Section 252K.307, Code 2015, is amended to read as follows:

252K.307 Duties of support enforcement agency.

1. ~~A~~ In a proceeding under this chapter, a support enforcement agency of this state, upon request, ~~shall~~:

a. Shall provide services to a movant in a proceeding under this chapter residing in a state.

b. Shall provide services to a movant requesting services through a central authority of a foreign country as described in section 252K.101, subsection 5, paragraph "a" or "d".

c. May provide services to a movant who is an individual not residing in a state.

2. A support enforcement agency of this state that is providing services to the movant as ~~appropriate~~ shall:

a. Take all steps necessary to enable an appropriate tribunal in of this state, or another state, or a foreign country to obtain jurisdiction over the respondent.

b. Request an appropriate tribunal to set a date, time, and place for a hearing.

c. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties.

d. Within five ten days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the movant.

e. Within five ten days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the movant.

f. Notify the movant if jurisdiction over the respondent cannot be obtained.

3. A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts to do either of the following:

a. To ensure that the order to be registered is the controlling order.

b. If two or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such determination is made in a tribunal having jurisdiction to do so.

4. A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

5. A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child support order and an income withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 252K.319.

6. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 24. Section 252K.308, Code 2015, is amended to read as follows:

252K.308 Duty of attorney general.

1. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

2. The attorney general may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

Sec. 25. Section 252K.310, Code 2015, is amended to read as follows:

252K.310 Duties of state information agency.

1. The child support recovery unit is the state information agency under this chapter.

2. The state information agency shall:

a. Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state.

b. Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states.

c. Forward to the appropriate tribunal in the place in this state in which the individual obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from ~~an initiating tribunal or the state information agency of the initiating state~~ another state or a foreign country.

d. Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Sec. 26. Section 252K.311, Code 2015, is amended to read as follows:

252K.311 Pleadings and accompanying documents.

1. A In a proceeding under this chapter, a movant seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or to determine parentage in a proceeding under this chapter a foreign country must verify the file a petition or comparable pleading. Unless otherwise ordered under section 252K.312, the petition, comparable pleading, or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whom whose benefit support is sought or whose parentage is to be determined. The Unless filed at the time of registration, the petition or comparable pleading must be accompanied by a certified copy of any support order in

effect known to have been issued by another tribunal. The petition or comparable pleading may include any other information that may assist in locating or identifying the respondent.

2. The petition or comparable pleading must specify the relief sought. The petition or comparable pleading and accompanying documents shall must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Sec. 27. Section 252K.312, Code 2015, is amended to read as follows:

252K.312 Nondisclosure of information in exceptional circumstances.

Upon a finding, which may be made ex parte, If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be unreasonably put at risk jeopardized by the disclosure of specific identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information must be sealed and may not be disclosed to the other party or the public. After a hearing in a pleading or other document filed in a proceeding under this chapter which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

Sec. 28. Section 252K.313, Code 2015, is amended to read as follows:

252K.313 Costs and fees.

1. The movant shall may not be required to pay a filing fee or other costs.

2. If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

3. The tribunal shall order the payment of costs and reasonable attorney's fees if the tribunal it determines that a hearing was requested primarily for delay. In a proceeding under article Article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 29. Section 252K.314, Code 2015, is amended to read as follows:

252K.314 Limited immunity of movant.

1. Participation by a movant in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the movant in another proceeding.

2. A movant is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

3. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in this state to participate in the proceeding.

Sec. 30. Section 252K.316, Code 2015, is amended to read as follows:

252K.316 Special rules of evidence and procedure.

1. The physical presence of ~~the movant~~ a nonresident party who is an individual in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

2. ~~A verified petition, An affidavit, a document substantially complying with federally mandated forms, and or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under oath penalty of perjury by a party or witness residing in another~~ outside this state.

3. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

5. Documentary evidence transmitted from ~~another~~ outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original writing record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this state ~~may~~ shall permit a party or witness residing in ~~another~~ outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of this state shall cooperate with other tribunals of ~~other states~~ in designating an appropriate location for the deposition or testimony.

7. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

10. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of a child.

Sec. 31. Section 252K.317, Code 2015, is amended to read as follows:

252K.317 Communications between tribunals.

A tribunal of this state may communicate with a tribunal of ~~another~~ outside this state in writing a record, or by telephone, electronic mail, or other means, to obtain information concerning the laws of ~~that state~~, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in ~~the other state~~. A tribunal of this state may furnish similar information by similar means to a tribunal of ~~another~~ outside this state.

Sec. 32. Section 252K.318, Code 2015, is amended to read as follows:

252K.318 Assistance with discovery.

A tribunal of this state may:

1. Request a tribunal of ~~another~~ outside this state to assist in obtaining discovery.
2. Upon request, compel a person over whom which it has jurisdiction to respond to a discovery order issued by a tribunal of ~~another~~ outside this state.

Sec. 33. Section 252K.319, Code 2015, is amended to read as follows:

252K.319 Receipt and disbursement of payments.

1. A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or a tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

2. If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the child support recovery unit or a tribunal of this state shall:

a. Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services.

b. Issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

3. The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection 2 shall furnish to a requesting party or

tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Sec. 34. Section 252K.401, Code 2015, is amended to read as follows:

252K.401 ~~Petition to establish~~ Establishment of support order.

1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if any of the following applies:

a. The individual seeking the order resides ~~in another~~ outside this state.
 b. The support enforcement agency seeking the order is located ~~in another~~ outside this state.

2. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is any of the following applies:

a. ~~The respondent has signed a verified statement acknowledging parentage~~ A presumed father of the child.

b. ~~The respondent has been determined by or pursuant to~~ Petitioning to law to be the parent have his paternity adjudicated.

c. ~~There is other clear and convincing evidence that the respondent is the child's parent~~ Identified as the father of the child through genetic testing.

d. An alleged father who has declined to submit to genetic testing.

e. Shown by clear and convincing evidence to be the father of the child.

f. An acknowledged father as provided by section 252A.3A.

g. The mother of the child.

h. An individual who has been ordered to pay child support in a previous proceeding and the order has been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 252K.305.

Sec. 35. **NEW SECTION. 252K.402 Proceeding to determine parentage.**

A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.

Sec. 36. Section 252K.501, Code 2015, is amended to read as follows:

252K.501 Employer's receipt of income withholding order of another state.

An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person ~~or entity~~ defined as the obligor's employer under the income withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

Sec. 37. Section 252K.502, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded.

Sec. 38. Section 252K.503, Code 2015, is amended to read as follows:

252K.503 Compliance Employer's compliance with multiple two or more income withholding orders.

If an obligor's employer receives multiple two or more income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple two or more child support obligees.

Sec. 39. Section 252K.504, Code 2015, is amended to read as follows:

252K.504 Immunity from civil liability.

An employer ~~who~~ that complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Sec. 40. Section 252K.505, Code 2015, is amended to read as follows:

252K.505 Penalties for noncompliance.

An employer ~~who~~ that willfully fails to comply with an income withholding order issued ~~by~~ in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Sec. 41. Section 252K.506, Code 2015, is amended to read as follows:

252K.506 Contest by obligor.

1. An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in Article 6, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. Section 252K.604 applies to the contest.

2. The obligor shall give notice of the contest to:

a. A support enforcement agency providing services to the obligee.

b. Each employer that has directly received an income withholding order relating to the obligor.

c. ~~The person or agency~~ designated to receive payments in the income withholding order, or if no person ~~or agency~~ is designated, to the obligee.

Sec. 42. Section 252K.507, subsection 1, Code 2015, is amended to read as follows:

1. A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued ~~by a tribunal of in~~ another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

Sec. 43. Section 252K.601, Code 2015, is amended to read as follows:

252K.601 Registration of order for enforcement.

A support order or ~~an~~ income withholding order issued ~~by a tribunal of in~~ another state or a foreign support order may be registered in this state for enforcement.

Sec. 44. Section 252K.602, Code 2015, is amended to read as follows:

252K.602 Procedure to register order for enforcement.

1. Except as otherwise provided in section 252K.706, a support order or income withholding order of another state or a foreign support order may be registered in this state by sending the following documents and information records to the appropriate tribunal in this state:

a. A letter of transmittal to the tribunal requesting registration and enforcement.

b. Two copies, including one certified copy, of ~~all orders~~ the order to be registered, including any modification of ~~an~~ the order.

c. A sworn statement by the party seeking person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage.

d. The name of the obligor and, if known:

(1) The obligor's address and social security number.

(2) The name and address of the obligor's employer and any other source of income of the obligor.

(3) A description and the location of property of the obligor in this state not exempt from execution.

e. The Except as otherwise provided in section 252K.312, the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state or a foreign judgment support order, together with one copy of the documents and information, regardless of their form.

3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

4. If two or more orders are in effect, the person requesting registration shall:

a. Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section.

b. Specify the order alleged to be the controlling order, if any.

c. Specify the amount of consolidated arrears, if any.

5. A request for determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Sec. 45. Section 252K.603, Code 2015, is amended to read as follows:

252K.603 Effect of registration for enforcement.

1. A support order or income withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

2. A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

3. Except as otherwise provided in this article chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

Sec. 46. Section 252K.604, Code 2015, is amended to read as follows:

252K.604 Choice of law.

1. The Except as otherwise provided in subsection 4, the law of the issuing state or foreign country governs the:

a. The nature, extent, amount, and duration of current payments and other obligations of under a registered support and the order.

b. The computation and payment of arrearages and accrual of interest on the arrearages under the support order.

c. The existence and satisfaction of other obligations under the support order.

2. In a proceeding for arrearages arrears under a registered support order, the statute of limitation under the laws of this state or of the issuing state or foreign country, whichever is longer, applies.

3. A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.

4. After a tribunal of this state or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

Sec. 47. Section 252K.605, Code 2015, is amended to read as follows:

252K.605 Notice of registration of order.

1. When a support order or income withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

2. The A notice must inform the nonregistering party:

a. That a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.

b. That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice unless the registered order is contested under section 252K.707.

c. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted.

d. Of the amount of any alleged arrearages.

3. If the registering party asserts that two or more orders are in effect, a notice must also:

a. Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any.

b. Notify the nonregistering party of the right to a determination of which is the controlling order.

c. State that the procedures provided in subsection 2 apply to the determination of which is the controlling order.

d. State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

4. Upon registration of an income withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to the income withholding law of this state.

Sec. 48. Section 252K.606, Code 2015, is amended to read as follows:

252K.606 Procedure to contest validity or enforcement of registered support order.

1. A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within ~~twenty days after the date of mailing or personal service of notice of the registration~~ the time required by section 252K.605. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 252K.607.

2. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

3. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

Sec. 49. Section 252K.607, Code 2015, is amended to read as follows:

252K.607 Contest of registration or enforcement.

1. A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

a. The issuing tribunal lacked personal jurisdiction over the contesting party.

b. The order was obtained by fraud.

c. The order has been vacated, suspended, or modified by a later order.

d. The issuing tribunal has stayed the order pending appeal.

e. There is a defense under the law of this state to the remedy sought.

f. Full or partial payment has been made.

g. The statute of limitation under section 252K.604 precludes enforcement of some or all of the alleged arrearages.

h. The alleged controlling order is not the controlling order.

2. If a party presents evidence establishing a full or partial defense under subsection 1, a tribunal may stay enforcement of ~~the a~~ registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

3. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of ~~the a~~ registered support order, the registering tribunal shall issue an order confirming the order.

Sec. 50. Section 252K.608, Code 2015, is amended to read as follows:

252K.608 Confirmed order.

Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Sec. 51. Section 252K.609, Code 2015, is amended to read as follows:

252K.609 Procedure to register child support order of another state for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in ~~part 4~~ sections 252K.601 through 252K.608 if the order has not been registered. A petition ~~or comparable pleading~~ for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Sec. 52. Section 252K.610, Code 2015, is amended to read as follows:

252K.610 Effect of registration for modification.

A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of section 252K.611 or 252K.613 have been met.

Sec. 53. Section 252K.611, Code 2015, is amended to read as follows:

252K.611 Modification of child support order of another state.

1. ~~After~~ If section 252K.613 does not apply, upon petition or comparable pleading, a tribunal of this state may modify a child support order issued in another state ~~has been which is~~ registered in this state, ~~the responding tribunal of this state may modify that order only if section 252K.613 does not apply and after notice and hearing it~~ the tribunal finds that paragraph “a” or “b” applies:

a. The following requirements are met:

(1) ~~The~~ Neither the child, ~~nor the individual obligee who is an individual, and nor the obligor do not reside~~ resides in the issuing state.

(2) A movant who is a nonresident of this state seeks modification.

(3) The respondent is subject to the personal jurisdiction of the tribunal of this state.

b. ~~This state is the state of residence of the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed written consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.~~

2. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

3. A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under section 252K.207 establishes the aspects of the support order which are nonmodifiable.

4. In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor’s fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

5. On the issuance of an order by a tribunal of this state modifying a child support order issued in another state, a the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

6. Notwithstanding subsections 1 through 5 and section 252K.201, subsection 2, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if both of the following apply:

- a. One party resides in another state.
- b. The other party resides outside the United States.

Sec. 54. Section 252K.612, Code 2015, is amended to read as follows:

252K.612 Recognition of order modified in another state.

~~A tribunal of this state shall recognize If a modification of its earlier child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to this chapter or a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall a tribunal of this state:~~

- ~~1. Enforce the~~ May enforce its order that was modified only as to amounts arrears and interest accruing before the modification.
- ~~2. Enforce only nonmodifiable aspects of that order.~~
- ~~3. Provide other~~ May provide appropriate relief ~~only~~ for violations of ~~the~~ its order which occurred before the effective date of the modification.
- ~~4. 3. Recognize~~ Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Sec. 55. NEW SECTION. 252K.615 Jurisdiction to modify child support order of foreign country.

1. Except as otherwise provided in section 252K.711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to section 252K.611 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

2. An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Sec. 56. NEW SECTION. 252K.616 Procedures to register child support order of foreign country for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order in this state under sections 252K.601 through 252K.608 if the order has not been registered. A petition or comparable pleading for modification may be filed at the same time as a request for registration, or at another time. The pleading must specify the grounds for modification.

Sec. 57. Section 252K.701, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

252K.701 Definitions.

In this article:

1. “*Application*” means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.
2. “*Central authority*” means the entity designated by the United States or a foreign country described in section 252K.101, subsection 5, paragraph “d”, to perform the functions specified in the convention.
3. “*Convention support order*” means a support order of a tribunal of a foreign country described in section 252K.101, subsection 5, paragraph “d”.
4. “*Direct request*” means a petition for support filed by an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or a child residing outside the United States.
5. “*Foreign central authority*” means the entity designated by a foreign country described in section 252K.101, subsection 5, paragraph “d”, to perform the functions specified in the convention.
6. “*Foreign support agreement*”:
 - a. Means an agreement for support in a record that:
 - (1) Is enforceable as a support order in the country of origin.

(2) Has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by, or concluded, registered, or filed with a foreign tribunal.

(3) May be reviewed and modified by a foreign tribunal.

b. "Foreign support agreement" includes a maintenance arrangement or authentic instrument under the convention.

7. "*United States central authority*" means the secretary of the United States department of health and human services.

Sec. 58. NEW SECTION. 252K.702 Applicability.

This article applies only to a support proceeding under the convention. In such a proceeding, if a provision of this article is inconsistent with Articles 1 through 6, this article controls.

Sec. 59. NEW SECTION. 252K.703 Relationship of child support recovery unit to United States central authority.

The child support recovery unit of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

Sec. 60. NEW SECTION. 252K.704 Initiation by child support recovery unit of support proceeding under convention.

1. In a support proceeding under this article, the child support recovery unit of this state shall:

a. Transmit and receive applications.

b. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

2. The following support proceedings are available to an obligee under the convention:

a. Recognition or recognition and enforcement of a foreign support order.

b. Enforcement of a support order issued or recognized in this state.

c. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child.

d. Establishment of a support order if recognition of a foreign support order is refused under section 252K.708, subsection 2, paragraph "b", "d", or "i".

e. Modification of a support order of a tribunal of this state.

f. Modification of a support order of a tribunal of another state or a foreign country.

3. The following support proceedings are available under the convention to an obligor against which there is an existing support order:

a. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state.

b. Modification of a support order of a tribunal of this state.

c. Modification of a support order of a tribunal of another state or a foreign country.

4. A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

Sec. 61. NEW SECTION. 252K.705 Direct request.

1. A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.

2. A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 252K.706 through 252K.713 apply.

3. In a direct request for recognition and enforcement of a convention support order or foreign support agreement:

a. A security, bond, or deposit is not required to guarantee the payment of costs and expenses.

b. An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

4. A petitioner filing a direct request is not entitled to assistance from the child support recovery unit.

5. This article does not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

Sec. 62. NEW SECTION. 252K.706 Registration of convention support order.

1. Except as otherwise provided in this article, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in Article 6.

2. Notwithstanding section 252K.311 and section 252K.602, subsection 1, a request for registration of a convention support order must be accompanied by:

- a. A complete text of the support order.
- b. A record stating that the support order is enforceable in the issuing country.
- c. If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.
- d. A record showing the amount of arrears, if any, and the date the amount was calculated.
- e. A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations.
- f. If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

3. A request for registration of a convention support order may seek recognition and partial enforcement of the order.

4. A tribunal of this state may vacate the registration of a convention support order without the filing of a contest under section 252K.707 only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

5. The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

Sec. 63. NEW SECTION. 252K.707 Contest of registered convention support order.

1. Except as otherwise provided in this article, sections 252K.605 through 252K.608 apply to a contest of a registered convention support order.

2. A party contesting a registered convention support order shall file a contest not later than thirty days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than sixty days after notice of the registration.

3. If the nonregistering party fails to contest the registered convention support order by the time specified in subsection 2, the order is enforceable.

4. A contest of a registered convention support order may be based only on grounds set forth in section 252K.708. The contesting party bears the burden of proof.

5. In a contest of a registered convention support order, a tribunal of this state:

- a. Is bound by the findings of fact on which the foreign tribunal based its jurisdiction.
- b. May not review the merits of the order.

6. A tribunal of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision.

7. A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.

Sec. 64. NEW SECTION. 252K.708 Recognition and enforcement of registered convention support order.

1. Except as otherwise provided in subsection 2, a tribunal of this state shall recognize and enforce a registered convention support order.

2. The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered convention support order:

a. Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.

b. The issuing tribunal lacked personal jurisdiction consistent with section 252K.201.

c. The order is not enforceable in the issuing country.

d. The order was obtained by fraud in connection with a matter of procedure.

e. A record transmitted in accordance with section 252K.706 lacks authenticity or integrity.

f. A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed.

g. The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this state.

h. Payment, to the extent alleged arrears have been paid in whole or in part.

i. In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country, any of the following is applicable:

(1) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.

(2) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

j. The order was made in violation of section 252K.711.

3. If a tribunal of this state does not recognize a convention support order under subsection 2, paragraph “b”, “d”, or “i”:

a. The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order.

b. The child support recovery unit shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under section 252K.704.

Sec. 65. NEW SECTION. 252K.709 Partial enforcement.

If a tribunal of this state does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

Sec. 66. NEW SECTION. 252K.710 Foreign support agreement.

1. Except as otherwise provided in subsections 3 and 4, a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

2. An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

a. A complete text of the foreign support agreement.

b. A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

3. A tribunal of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

4. In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds any of the following:

a. Recognition and enforcement of the agreement is manifestly incompatible with public policy.

b. The agreement was obtained by fraud or falsification.

c. The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this state.

d. The record submitted under subsection 2 lacks authenticity or integrity.

5. A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

Sec. 67. NEW SECTION. **252K.711 Modification of convention child support order.**

1. A tribunal of this state may not modify a convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless any of the following applies:

a. The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity.

b. The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

2. If a tribunal of this state does not modify a convention child support order because the order is not recognized in this state, section 252K.708, subsection 3, applies.

Sec. 68. NEW SECTION. **252K.712 Personal information — limit on use.**

Personal information gathered or transmitted under this article may be used only for the purposes for which it was gathered or transmitted.

Sec. 69. NEW SECTION. **252K.713 Record in original language — English translation.**

A record filed with a tribunal of this state under this article must be in the original language and, if not in English, must be accompanied by an English translation.

Sec. 70. Section 252K.801, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. On the demand by of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

Sec. 71. Section 252K.802, subsections 1 and 2, Code 2015, are amended to read as follows:

1. Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

2. If, under this chapter, or a law substantially similar to this chapter, ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act,~~ the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

Sec. 72. Section 252K.901, Code 2015, is amended to read as follows:

252K.901 Uniformity of application and construction.

~~This chapter shall be applied and construed~~ In applying and construing this uniform Act, consideration must be given to the need to effectuate its general purpose to make uniform promote uniformity of the law with respect to the subject of this chapter matter among states enacting that enact it.

Sec. 73. Section 252K.903, Code 2015, is amended to read as follows:

252K.903 Severability clause.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 74. Section 252K.904, Code 2015, is amended to read as follows:

252K.904 Effective date — pending matters.

1. This chapter takes effect ~~January 1, 1998~~ July 1, 2015.
2. A tribunal of this state shall apply this chapter beginning ~~January 1, 1998~~ July 1, 2015, with the following conditions:
 - a. Matters pending on ~~January 1, 1998~~ July 1, 2015, shall be governed by this chapter.
 - b. Pleadings and accompanying documents on pending matters are sufficient if the documents substantially comply with the requirements of this chapter ~~252A~~ in effect on ~~December 31, 1997~~ June 30, 2015.

Sec. 75. REPEAL. Section 252K.902, Code 2015, is repealed.

Sec. 76. CODE EDITOR DIRECTIVES. The Code editor shall do all of the following:

1. Eliminate the part designations and titles under Article 2 of chapter 252K.
2. Retitle Article 4 of chapter 252K “Establishment of support order or determination of parentage”.
3. Retitle Article 5 of chapter 252K “Enforcement of support order without registration”.
4. Retitle Article 6 of chapter 252K “Registration, enforcement, and modification of support order”.
5. Retitle Article 6, part 1, of chapter 252K “Registration for enforcement of support order”.
6. Retitle Article 6, part 3, of chapter 252K “Registration and modification of child support order of another state”.
7. Create a new part 4 of Article 6 of chapter 252K, entitled “Registration and modification of foreign child support order” which shall include sections 252K.615 and 252K.616, as enacted in this Act.
8. Retitle Article 7 of chapter 252K “Support proceeding under convention”, which shall include sections 252K.701, 252K.702, 252K.703, 252K.704, 252K.705, 252K.706, 252K.707, 252K.708, 252K.709, 252K.710, 252K.711, 252K.712, and 252K.713, as amended and enacted in this Act.

DIVISION II

CONFORMING CHANGES — UNIFORM INTERSTATE FAMILY SUPPORT ACT

Sec. 77. Section 252A.2, subsection 10, Code 2015, is amended by striking the subsection.

Sec. 78. Section 252A.3, subsection 9, Code 2015, is amended to read as follows:

9. Notwithstanding the fact that the respondent has obtained in any state or foreign country a final decree of divorce or separation from the respondent’s spouse or a decree dissolving the marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

Sec. 79. Section 252A.3, subsection 10, paragraph d, Code 2015, is amended to read as follows:

- d. By establishment of paternity in a another state or foreign jurisdiction ~~country~~ in any manner provided for by the laws of that jurisdiction.

Sec. 80. Section 252A.6A, subsection 2, paragraph b, Code 2015, is amended to read as follows:

- b. If the prior determination of paternity is based on an administrative or court order or by any other means, pursuant to the laws of a another state or foreign jurisdiction ~~country~~, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the party requests and is granted a stay of an action to establish child or medical support, the action shall proceed as otherwise provided.

Sec. 81. Section 252A.18, Code 2015, is amended to read as follows:

252A.18 Registration of foreign support order — notice.

Registration of a support order of another state or foreign support order ~~country~~ shall be in accordance with chapter 252K except that, with regard to service, promptly upon registration,

the clerk of the court shall ~~send a notice~~, by restricted certified mail, or the child support recovery unit shall, as provided in section 252B.26, send to the respondent, notice of the registration with a copy of the registered support order or the respondent may be personally served with the notice and the copy of the order in the same manner as original notices are personally served. The clerk shall also docket the case and notify the prosecuting attorney of the action. The clerk shall maintain a registry of all support orders registered pursuant to this section. The filing is in equity.

Sec. 82. Section 252B.1, subsection 6, Code 2015, is amended to read as follows:

6. “Obligor” means the person legally responsible for the support of a child as defined in section 252D.16 or 598.1 under a support order issued in this state or a pursuant to the laws of another state or foreign jurisdiction country.

Sec. 83. Section 252B.3, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. This subsection shall not apply unless all the children for whom support is ordered reside with both parents, except that a child may be absent from the home due to a foster care placement pursuant to chapter 234 or a comparable law of a another state or foreign jurisdiction country.

Sec. 84. Section 252B.4, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. A foreign ~~reciprocating country or foreign country with which the state has an arrangement as provided in 42 U.S.C. §659a~~ as defined in chapter 252K.

Sec. 85. Section 252B.9, subsection 3, paragraph i, subparagraphs (4) and (7), Code 2015, are amended to read as follows:

(4) The unit receives ~~notification that a copy, regular on its face, of a notarized affidavit or a pleading, which was signed by and made under oath by a party, under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, alleging the health, safety, or liberty of the party or child would be jeopardized by the disclosure of specific identifying information unless a tribunal has issued an order under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, that the address or other~~ ordered the identifying information of a party or child not be disclosed.

(7) The unit receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, affidavit, pleading, safety plan, or founded allegation referred to in subparagraphs (1) through (6) of this paragraph.

Sec. 86. Section 252B.14, Code 2015, is amended to read as follows:

252B.14 Support payments — collection services center or comparable government entity in another state — clerk of the district court.

1. For the purposes of this section, “support order” includes any order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support chapter or proceeding which establishes support payments as defined in section 252D.16 or 598.1.

2. For support orders being enforced by the child support recovery unit, support payments made pursuant to the order shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K.

3. With the exception of support payments to which subsection 2 or 4 applies, support payments made pursuant to an order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed. The clerk of the district court may require the obligor to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

4. ~~By October 1, 1999, for~~ For a support order to which subsection 2 does not apply, regardless of the terms of the support order directing or redirecting the place of payment, support payments made through income withholding by a payor of income as provided in chapter 252D shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K.

The judicial branch and the department shall develop and implement a plan to notify payors of income of this requirement and the effective date of the requirement applicable to the respective payor of income.

5. If the collection services center is receiving and disbursing payments pursuant to a support order, but the unit is not providing other services under Tit. IV-D of the federal Social Security Act, or if the order is not being enforced by the unit, the parties to that order are not considered to be receiving services under this chapter.

6. Payments to persons other than the clerk of the district court or the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K, do not satisfy the support obligations created by a support order or judgment, except as provided for in sections 598.22 and 598.22A.

Sec. 87. Section 252B.15, Code 2015, is amended to read as follows:

252B.15 Processing and disbursement of support payments.

1. The collection services center shall notify the clerk of the district court of any order for which the child support recovery unit is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. Unless the agreement developed pursuant to section 252B.13A otherwise provides, ~~by October 1, 1999,~~ the clerk of the district court shall forward any support payment made and any support payment information provided through income withholding pursuant to chapter 252D, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

2. Unless otherwise provided under federal law, if it is possible to identify the support order to which a payment is to be applied and if sufficient information is provided to identify the obligee, a payment received by the collection services center or the clerk of the district court shall be disbursed to the appropriate individual or office within two working days in accordance with section 598.22.

3. If the collection services center receives an incorrectly submitted payment, the collection services center shall promptly return the payment to the sender and, if known, provide information about where to send the payment.

4. Chapter 556 shall not apply to payments received by the collection services center.

Sec. 88. Section 252B.16, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4. As provided in sections 252K.307 and 252K.319, the unit may issue and file with the clerk of the district court, a notice redirecting support payments to a comparable government entity responsible for the processing and disbursement of support payments in another state. The unit shall send a copy of the notice by regular mail to the last known addresses of the obligor and obligee and, where applicable, shall notify the payor of income to make payments as specified in the notice. The issuance and filing of the notice is the equivalent of a court order redirecting support.

Sec. 89. Section 252C.1, subsection 3, Code 2015, is amended to read as follows:

3. “*Court order*” means a judgment or order of ~~a court of this state or another state~~ requiring the payment of a set or determinable amount of monetary support. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support, as defined in section 252E.1, is not included in the amount of monetary support.

Sec. 90. Section 252C.4, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. If the action is the result of a request from ~~a another state or foreign jurisdiction country~~ to establish support by a responsible person located in Iowa, in the county in which the responsible person resides.

Sec. 91. Section 252C.4, subsection 7, paragraph b, Code 2015, is amended to read as follows:

b. If the prior determination of paternity is based on an administrative or court order or other means, pursuant to the laws of ~~a another state or foreign jurisdiction country~~, an action

to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the responsible person requests and is granted a stay of an action initiated under this chapter to establish child or medical support, the action shall proceed as otherwise provided by this chapter.

Sec. 92. Section 252D.1, Code 2015, is amended to read as follows:

252D.1 Delinquent support payments.

If support payments ordered under this chapter or chapter 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, and become delinquent in an amount equal to the payment for one month, the child support recovery unit may enter an ex parte order or, upon application of a person entitled to receive the support payments, the district court may enter an ex parte order, notifying the person whose income is to be withheld, of the delinquent amount, of the amount of income to be withheld, and of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of specified sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. ~~Beginning October 1, 1999, all~~ All income withholding payments shall be paid to the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. Notification of income withholding shall be provided to the obligor and to the payor of income pursuant to section 252D.17.

Sec. 93. Section 252D.16, subsection 3, Code 2015, is amended to read as follows:

3. "Support" or "support payments" means any amount which the court or administrative agency may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree entered under chapter 232, 234, 252A, 252C, 252F, 252H, 598, 600B, or any other comparable chapter, and may include child support, maintenance, medical support as defined in chapter 252E, spousal support, and any other term used to describe these obligations. These obligations may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability. The obligations may include support for a child eighteen or more years of age with respect to whom a child support order has been issued pursuant to the laws of a another state or foreign jurisdiction country. These obligations shall not include amounts for a postsecondary education subsidy as defined in section 598.1.

Sec. 94. Section 252D.16A, Code 2015, is amended to read as follows:

252D.16A Income withholding order — child support recovery unit.

If support payments are ordered under this chapter, chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country, and if income withholding relative to such support payments is allowed under this chapter, the child support recovery unit may enter an ex parte order notifying the person whose income is to be withheld of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and requiring the payment of such sums to the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. The child support recovery unit shall include the amount of any delinquency and the amount to be withheld in the notice provided to the obligor pursuant to section 252D.17A. Notice of income withholding shall be provided to the obligor and to the payor of income pursuant to sections 252D.17 and 252D.17A.

Sec. 95. Section 252D.17, subsection 1, paragraphs e, f, and h, Code 2015, are amended to read as follows:

e. The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, within seven business days of the date the obligor is paid. “Business day” means a day on which state offices are open for regular business.

f. The payor may combine amounts withheld from the obligors’ income in a single payment to the clerk of the district court or to the collection services center or a comparable government entity in another state as provided in chapter 252K, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

h. If the payor, with actual knowledge and intent to avoid legal obligation, fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court or, as appropriate, a comparable government entity in another state as provided in chapter 252K in accordance with the provisions of the order, the notice of the order, or the notification of payors of income provisions established in section 252B.13A, the payor commits a simple misdemeanor for a first offense and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor. For each subsequent offense prescribed under this paragraph, the payor commits a serious misdemeanor and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

Sec. 96. Section 252D.18, subsection 3, Code 2015, is amended to read as follows:

3. The court or the child support recovery unit may, by ex parte order, terminate an income withholding order when the current support obligation has terminated and when the delinquent support obligation has been fully satisfied as applicable to all of the children covered by the income withholding order. The unit may, by ex parte order, terminate an income withholding order when the unit will no longer be providing services under chapter 252B, or when a another state or foreign jurisdiction country will be providing services under Tit. IV-D of the federal Social Security Act or a comparable law in a foreign country.

Sec. 97. Section 252D.20, Code 2015, is amended to read as follows:

252D.20 Administration of income withholding procedures.

The child support recovery unit is designated as the entity of the state to administer income withholding in accordance with the procedures specified for keeping adequate records to document, track, and monitor support payments on cases subject to Tit. IV-D of the federal Social Security Act. ~~Until October 1, 1999, the clerks of the district court are designated as the entities for administering income withholding on cases which are not subject to Tit. IV-D. Beginning October 1, 1999, the~~ The collection services center is designated as the entity for administering income withholding for cases which are not subject to Tit. IV-D. The collection services center’s responsibilities for administering income withholding in cases not subject to Tit. IV-D are limited to the receipt, recording, and disbursement of income withholding payments and to responding to requests for information on the current status of support payments pursuant to section 252B.13A. Notwithstanding section 622.53, in cases where the court or the child support recovery unit is enforcing a an order of another state or foreign judgment country through income withholding, a certified copy of the underlying judgment is sufficient proof of authenticity.

Sec. 98. Section 252D.24, Code 2015, is amended to read as follows:

252D.24 Applicability to support orders of foreign other jurisdictions.

1. An income withholding order may be entered to enforce a support order of a another state or foreign jurisdiction country. ~~The foreign~~ That support order may be entered and filed with the clerk of the district court at the time the income withholding order is entered. Entry

of the ~~foreign~~ support order of another state or foreign country under this subsection does not constitute registration of the order.

2. Income withholding for a support order issued by a another state or foreign jurisdiction country is governed by chapter 252K, ~~article 5 or 6~~, and this chapter, as appropriate.

Sec. 99. Section 252D.31, subsection 3, Code 2015, is amended to read as follows:

3. The payor shall withhold and transmit the amount specified in the order or notice of the order of income withholding to the clerk of the district court or the collection services center or a comparable government entity in another state as provided in chapter 252K, as appropriate, until the notice that a motion to quash has been granted is received.

Sec. 100. Section 252E.1, subsections 3 and 13, Code 2015, are amended to read as follows:

3. “Child” means a person for whom child or medical support may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other chapter of the Code or pursuant to a comparable statute of a another state or foreign jurisdiction country.

13. “Order” means a support order entered pursuant to chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other support chapter, or pursuant to a comparable statute of a another state or foreign jurisdiction country, or an ex parte order entered pursuant to section 252E.4. “Order” also includes a notice of such an order issued by the department.

Sec. 101. Section 252E.2, subsection 4, Code 2015, is amended to read as follows:

4. A medical support order of a another state or foreign jurisdiction country may be entered or filed with the clerk of the district court. However, entry of such a medical support order under this subsection does not constitute registration of that medical support order.

Sec. 102. Section 252F.3, subsection 3, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) If the action is the result of a request from a another state or foreign jurisdiction country to establish paternity of a putative father located in Iowa, in the county in which the putative father resides.

Sec. 103. Section 252F.3, subsection 6, paragraph f, Code 2015, is amended to read as follows:

f. An original copy of the test results shall be filed with the clerk of the district court in the county where the notice was filed. The child support recovery unit shall issue a copy of the filed test results to each party in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each. However, if the action is the result of a request from a another state or foreign jurisdiction country, the unit shall issue a copy of the results to the initiating agency in that ~~foreign~~ jurisdiction.

Sec. 104. Section 252H.2, subsection 2, paragraphs g, l, and m, Code 2015, are amended to read as follows:

g. “*Determination of controlling order*” means the process of identifying a child support order which must be recognized pursuant to section 252K.207 and 28 U.S.C. §1738B, when more than one state has issued a support order for the same child and the same obligor, and may include a reconciliation of arrearages with information related to the calculation. Registration of a ~~foreign~~ an order of another state or foreign country is not necessary for a court or the unit to make a determination of controlling order.

l. “State” means “state” as defined in ~~section 252K.101~~ chapter 252K.

m. “Support order” means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country as registered with the clerk of court or certified to the child support recovery unit.

Sec. 105. Section 252H.8, subsection 5, paragraph h, Code 2015, is amended to read as follows:

h. A certified copy of each order, issued by another state or foreign country, considered in determining the controlling order.

Sec. 106. Section 252H.14, subsection 2, Code 2015, is amended to read as follows:

2. The unit may periodically initiate a request to a child support agency of another state or to a foreign country to conduct a review of a support order ~~entered in that state~~ when the right to any ongoing child or medical support obligation due under the order is currently assigned to the state of Iowa or if the order does not include provisions for medical support.

Sec. 107. Section 252I.2, subsection 2, Code 2015, is amended to read as follows:

2. An obligor is subject to the provisions of this chapter if the obligor's support obligation is being enforced by the child support recovery unit, and if the support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country, as certified to the child support recovery unit, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the support payment for one month.

Sec. 108. Section 252J.1, subsection 9, Code 2015, is amended to read as follows:

9. "Support order" means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country as registered with the clerk of the district court or certified to the child support recovery unit.

Sec. 109. Section 252J.6, subsection 2, paragraph d, subparagraph (1), subparagraph division (b), Code 2015, is amended to read as follows:

(b) If the action is a result of section 252J.2, subsection 2, paragraph "b", and the individual is not an obligor, in the county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a another state or foreign jurisdiction country.

Sec. 110. Section 252J.9, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. If the action is a result of section 252J.2, subsection 2, paragraph "b", and the individual is not an obligor, in a county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a another state or foreign jurisdiction country.

Sec. 111. Section 598.2A, Code 2015, is amended to read as follows:

598.2A Choice of law.

In a proceeding to establish, modify, or enforce a child support order the forum state's law shall apply except as follows:

~~1. In interpreting a child support order, a court shall apply the law of the state of the court or administrative agency that issued the order.~~

~~2. In an action to enforce a child support order, a court shall apply the statute of limitations of the forum state or the state of the court or administrative agency that issued the order, whichever statute provides the longer period of limitations provided in section 252K.604.~~

Sec. 112. Section 598.21E, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. If a determination of paternity is based on an administrative or court order or other means pursuant to the laws of a another state or foreign jurisdiction country as defined in

chapter 252K, any action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless a stay of the action initiated in this state to establish child or medical support is requested and granted by the court, pending a resolution of the contested paternity issue by the other state or foreign jurisdiction country as defined in chapter 252K, the action shall proceed.

Sec. 113. Section 598.22, Code 2015, is amended to read as follows:

598.22 Support payments — clerk of court — collection services center or comparable government entity in another state — defaults — security.

1. Except as otherwise provided in section 598.22A, this section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, 252F, or 600B, or under this chapter or any other chapter which provide for temporary or permanent support payments shall direct the payment of those sums to the clerk of the district court or the collection services center in accordance with section 252B.14, or as appropriate, a comparable government entity in another state as provided in chapter 252K for the use of the person for whom the payments have been awarded. ~~Beginning October 1, 1999, all~~ All income withholding payments shall be directed to the collection services center, or as appropriate, a comparable government entity in another state as provided in chapter 252K. Payments to persons other than the clerk of the district court, ~~and the collection services center, or as appropriate, a comparable government entity in another state as provided in chapter 252K~~ do not satisfy the support obligations created by the orders or judgments, except as provided for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or rebates in section 602.8102, subsection 47, or for dependent benefits paid to the child support obligee as the result of disability benefits awarded to the child support obligor under the federal Social Security Act. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the order for income withholding or notice of the order for income withholding shall require the payment of such sums to the alternate payee in accordance with the federal Act. For dependent benefits paid to the child support obligee as a result of disability benefits awarded to the child support obligor under the federal Social Security Act, the provisions of section 598.22C shall apply.

2. An income withholding order or notice of the order for income withholding shall be entered under the terms and conditions of chapter 252D. However, for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the payor shall transmit the payments to the alternate payee in accordance with the federal Act.

3. An order or judgment entered by the court for temporary or permanent support or for income withholding shall be filed with the clerk. The orders have the same force and effect as judgments when entered in the judgment docket and lien index and are records open to the public. Unless otherwise provided by federal law, if it is possible to identify the support order to which a payment is to be applied, and if sufficient information identifying the obligee is provided, the clerk or the collection services center, as appropriate, shall disburse the payments received pursuant to the orders or judgments within two working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in records kept by the clerk, or the collection services center, as appropriate, and the records kept by the clerk shall be available to the public. The clerk or the collection services center shall not enter any moneys paid in the record book if not paid directly to the clerk or the center, as appropriate, except as provided for trusts and federal social security disability payments in this section, and for tax refunds or rebates in section 602.8102, subsection 47, or as appropriate, a comparable government entity in another state as provided in chapter 252K.

4. If the sums ordered to be paid in a support payment order are not paid to the clerk or the collection services center, or a comparable government entity in another state as provided in chapter 252K, as appropriate, at the time provided in the order or judgment, the clerk or the collection services center, as appropriate, shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23.

5. Prompt payment of sums required to be paid under sections 598.10, 598.21A, 598.21B, 598.21C, 598.21E, and 598.21F is the essence of such orders or judgments and the court may act pursuant to section 598.23 regardless of whether the amounts in default are paid prior to the contempt hearing.

6. Upon entry of an order for support or upon the failure of a person to make payments pursuant to an order for support, the court may require the person to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the person's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

7. For the purpose of enforcement, medical support is additional support which, upon being reduced to a dollar amount, may be collected through the same remedies available for the collection and enforcement of child support.

8. The clerk of the district court in the county in which the order for support is filed and to whom support payments are made pursuant to the order may require the person obligated to pay support to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

Sec. 114. Section 598.22B, subsection 1, Code 2015, is amended to read as follows:

1. All such orders or judgments shall direct each party to file with the clerk of court or the child support recovery unit, as appropriate, upon entry of the order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, electronic mail address, telephone number, driver's license number, and name, address, and telephone number of the party's employer. The order shall also include a provision that the information filed will be disclosed and used pursuant to this section. The party shall file the information with the clerk of court, or, if all support payments are to be directed to the collection services center as provided in section 252B.14, subsection 2, and section 252B.16, with the child support recovery unit.

Sec. 115. Section 598.23A, subsection 1, Code 2015, is amended to read as follows:

1. If a person against whom an order or decree for support has been entered pursuant to this chapter or chapter 234, 252A, 252C, 252F, 600B, or any other support chapter, or a comparable chapter of a another state or foreign jurisdiction country as defined in chapter 252K, fails to make payments or provide medical support pursuant to that order or decree, the person may be cited and punished by the court for contempt under section 598.23 or this section. Failure to comply with a seek employment order entered pursuant to section 252B.21 is evidence of willful failure to pay support.

Sec. 116. Section 600B.41A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. A paternity determination made in or by a another state or foreign jurisdiction country as defined in chapter 252K or a paternity determination which has been made in or by a foreign that jurisdiction and registered in this state in accordance with section 252A.18 or chapter 252K.

Sec. 117. Section 602.8102, subsection 47, Code 2015, is amended to read as follows:

47. Record support payments made pursuant to an order entered under chapter 252A, 252F, 598, or 600B, or under a comparable statute of a another state or foreign jurisdiction country as defined in chapter 252K, and through setoff of a state or federal income tax refund or rebate, as if the payments were received and disbursed by the clerk; forward support payments received under section 252A.6 to the department of human services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

Sec. 118. REPEAL. Section 252A.17, Code 2015, is repealed.

DIVISION III
SUSPENSION OF SUPPORT

Sec. 119. Section 252B.20, Code 2015, is amended to read as follows:

252B.20 Suspension of support — request by mutual consent.

1. If the unit is providing child support enforcement services pursuant to this chapter, the parents of a dependent child for whom support has been ordered pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly request the assistance of the unit in suspending the obligation for support if all of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same residence as the parents, or the child is currently residing with the parent who is ordered to pay support. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of a another state or foreign jurisdiction country, unless the person against whom support is ordered is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

c. The parents have signed a notarized affidavit attesting to the conditions under paragraphs “a” and “b”, have consented to suspension of the support order or obligation, and have submitted the affidavit to the unit.

d. No prior request for suspension has been filed with the unit under this section and no prior request for suspension has been served by the unit under section 252B.20A during the two-year period preceding the request, unless the request was filed during the two-year period preceding July 1, 2005, the unit denied the request because the suspension did not apply to all children for whom support is ordered, and the parents jointly file a request on or after July 1, 2005.

e. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, the unit shall review the application and affidavit to determine that the necessary criteria have been met. The unit shall then do one of the following:

a. Deny the request and notify the parents in writing that the application is being denied, providing reasons for the denial and notifying the parents of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, the unit shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order. The satisfaction of an obligation of support due the obligee shall be final upon the filing of the suspension order. A support obligation which is satisfied is not subject to the reinstatement provisions of this section.

4. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

5. During the six-month period the unit may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to the unit by either parent or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits, pursuant to chapter 239B, 249A, or a comparable law of a another state or foreign jurisdiction country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing

the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

6. If a condition under subsection 5 exists, the unit may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, the unit shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, the unit shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

7. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon both parents. Within ten days following the date of service, the parents may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to both parents and the unit.

8. The reinstatement is effective as follows:

a. For reinstatements initiated under subsection 5, paragraph “a”, the date the notices were served on both parents pursuant to subsection 7.

b. For reinstatements initiated under subsection 5, paragraph “b”, the date the child began receiving public assistance benefits during the suspension of the obligation.

c. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the parties requested and agreed to the suspension under false pretenses.

9. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 4, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

10. This section shall not limit the rights of the parents or the unit to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

11. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section. However, if in the application for suspension, an obligee elects to satisfy an obligation of accrued support due the obligee, the suspension order may satisfy the obligation of accrued support due the obligee.

12. Nothing in this section shall prohibit or limit the unit or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

13. For the purposes of chapter 252H, subchapter II, regarding the criteria for a review or for a cost-of-living alteration under chapter 252H, subchapter IV, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

14. As used in this section, unless the context otherwise requires, “*step change*” means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

15. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon agreement of the parents, the unit may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested the unit to provide services under this chapter. The parents and the caretaker shall sign a notarized affidavit attesting to the conditions under this section, consent to the suspension of the support order or obligation, and submit the affidavit to the unit. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or

a comparable law of another state or foreign country, by the child on whose behalf support is ordered, or upon application to the unit by either parent or the caretaker, the unit may, within the time periods specified in this section, request the reinstatement of the accruing support order or obligation pursuant to this section.

16. The department may adopt all necessary and proper rules to administer and interpret this section.

Sec. 120. NEW SECTION. **252B.20A Suspension of support — request by one party.**

1. If the unit is providing child support enforcement services pursuant to this chapter, the obligor who is ordered to pay support for the dependent child pursuant to chapter 252A, 252C, or 252F, may request the assistance of the unit in suspending the obligation for support if all of the following conditions exist:

a. The child is currently residing with the obligor and has been for more than sixty consecutive days. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. There is no order in effect regarding legal custody, physical care, visitation, or other parenting time for the child.

c. It is reasonably expected that the basis for suspension under this section will continue for not less than six months.

d. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, unless the obligor is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

e. The obligor has signed a notarized affidavit, provided by the unit, attesting to the existence of the conditions under paragraphs “a” through “d”, has requested suspension of the support order or obligation, and has submitted the affidavit to the unit.

f. No prior request for suspension has been served under this section, and no prior request for suspension has been filed with the unit pursuant to section 252B.20, during the two-year period preceding the request.

g. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, the unit shall review the application and affidavit to determine that the criteria have been met. The unit shall then do one of the following:

a. If the unit determines the criteria have not been met, deny the request and notify the obligor in writing that the application is being denied, providing reasons for the denial and notifying the obligor of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If the unit determines the criteria have been met, serve a copy of the notice and supporting documents on the obligee by any means provided in section 252B.26. The notice to the obligee shall include all of the following:

(1) Information sufficient to identify the parties and the support order affected.

(2) An explanation of the procedure for suspension and reinstatement of support under this section.

(3) An explanation of the rights and responsibilities of the obligee, including the applicable procedural time frames.

(4) A statement that within twenty days of service, the obligee must submit a signed and notarized response to the unit objecting to at least one of the assertions in subsection 1, paragraphs “a” through “d”. The statement shall inform the obligee that if, within twenty days of service, the obligee fails to submit a response as specified in this subparagraph, notwithstanding rules of civil procedure 1.972(2) and 1.972(3), the unit will prepare and submit an order as provided in subsection 3, paragraph “b”.

3. No sooner than thirty days after service on the obligee under subsection 2, paragraph “b”, the unit shall do one of the following:

a. If the obligee submits a signed and notarized objection to any assertion in subsection 1, paragraphs “a” through “d”, deny the request and notify the parties in writing that the application is denied, providing reasons for the denial, and notifying the parties of the right

to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If the obligee does not timely submit a signed and notarized objection to the unit, prepare an order which shall be submitted, along with supporting documents, to a judge of a district court for approval, suspending the accruing support obligation. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, the unit shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

4. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order.

5. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

6. During the six-month period, the unit may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to the unit by either party or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

7. If a condition under subsection 6 exists, the unit may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, the unit shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, the unit shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

8. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon the parties. Within ten days following the date of service, a party may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to the parties and the unit.

9. a. The reinstatement is effective as follows:

(1) For reinstatements initiated under subsection 6, paragraph "a", the date the notices were served on the parties pursuant to subsection 8.

(2) For reinstatements initiated under subsection 6, paragraph "b", the date the child began receiving public assistance benefits during the suspension of the obligation.

b. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the suspension was made under false pretenses.

10. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 5, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

11. Legal representation of the unit shall be provided pursuant to section 252B.7, subsection 4.

12. This section shall not limit the rights of a party or the unit to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

13. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section.

14. Nothing in this section shall prohibit or limit the unit or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

15. For the purposes of chapter 252H regarding the criteria for a review under subchapter II of that chapter or for a cost-of-living alteration under subchapter IV of that chapter, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

16. As used in this section, unless the context otherwise requires, “*step change*” means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

17. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon request by the obligor, the unit may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested the unit to provide services under this chapter. The obligor and the caretaker shall sign a notarized affidavit attesting to the conditions under this section, consent to the suspension of the support order or obligation, and submit the affidavit to the unit. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the child on whose behalf support is ordered, or upon application to the unit by either party or the caretaker, the unit may, within the time periods specified in this section, request the reinstatement of the accruing support order or obligation pursuant to this section.

18. The department may adopt all necessary and proper rules to administer and interpret this section.

Sec. 121. Section 252B.26, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Notwithstanding any provision of law to the contrary, the unit may serve a petition, notice, or rule to show cause under this chapter or chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified in each chapter, or as follows:

Sec. 122. ADMINISTRATIVE RULES — TRANSITION. Until the department of human services adopts rules pursuant to chapter 17A necessary to administer this division of this Act, all of the following shall apply:

1. The child support recovery unit may initiate proceedings to suspend and reinstate support orders in accordance with section 252B.20, as amended in this division of this Act.

2. The child support recovery unit may, to the extent appropriate, apply and utilize procedures, rules, and forms substantially similar to those applicable and utilized pursuant to section 252B.20 for proceedings initiated in accordance with section 252B.20A, as enacted in this division of this Act.

Sec. 123. EFFECTIVE DATE. This division of this Act takes effect January 1, 2016.

DIVISION IV GENETIC TESTING

Sec. 124. Section 252F.3, subsection 6, paragraph a, Code 2015, is amended to read as follows:

a. If a party contests the establishment of paternity, the party shall submit, within twenty days of service of the notice on the party under subsection 1, a written statement contesting paternity establishment to the unit. Upon receipt of a written challenge of paternity establishment, or upon initiation by the unit, the administrator shall enter ex parte administrative orders requiring the mother, child or children involved, and the putative father to submit to paternity testing, except that if the mother and child or children previously submitted blood or genetic specimens in a prior action to establish paternity

against a different putative father, the previously submitted specimens and prior results, if available, may be utilized for testing in this action. Either the mother or putative father may contest paternity under this chapter.

Sec. 125. Section 600B.41, subsection 1, Code 2015, is amended to read as follows:

1. In a proceeding to establish paternity in law or in equity the court may on its own motion, and upon request of a party shall, require the child, mother, and alleged father to submit to blood or genetic tests, except that if the mother and child previously submitted blood or genetic specimens in a prior action to establish paternity against a different alleged father, the previously submitted specimens and prior results, if available, may be utilized for testing in this action.

Approved June 3, 2015